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EXAMINER	
GODBOLD, DOUGLAS	

ART UNIT	PAPER NUMBER
2626	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/516,870	JAKOBSEN ET AL.	
	Examiner	Art Unit	
	DOUGLAS C. GODBOLD	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 February 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6 and 9-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6 and 9-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response correspondence filed February 28, 2008 in reference application 10/516,870. Claims 1-6, and 9-20 are pending and have been examined.

Response to Amendment

2. The amendment filed February 28, 2008 has been accepted and considered in this office action. Claims 1-3, 5, 6, and 9-15 have been amended, claims 17-20 added and claims 8 and 9 cancelled. The rejection of claim 9 under 35 U.S.C. 101 has been withdrawn.

Response to Arguments

3. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-6, and 9-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fortier et al. (US Patent 6,583,179) in view of Gerson (US Patent 6,868,385).

6. Consider claim 1, Fortier teaches a method comprising:

receiving an initial user input causing a communication device to be prepared for receiving an acoustic input of the user to perform said-speech recognition thereon (column 8 line 15-53, user selects database for searching, for example selecting a language);

receiving said acoustic input of the user and performing speech recognition thereon (column 2, line 12, step a), capturing word from speaker, and step b) receiving from speech recognition at least one representation of word);

performing a back-up operation to enable said user to provide manual input in case of failure of said speech recognition of said acoustic input (column 9 line 37-column 10 line 24 teaches algorithm when more than one result is returned by recognition) as follows:

upon receiving a first manual user input by a multiple switching component, which is capable to exhibit a first input value and a second input value (soft key selected; column 9, line 58.);

displaying a list of a first set of data records or displaying a second set of data records in accordance with said first input value and said second input value of said first manual user input (soft key used to display next “N" representations. First “N” would be the first set of data, next “N" in second data set; Column 9 lines 45-65); and

upon receiving a second manual user input identifying one data record of said displayed first set of data records or of said second set of data records (soft key selection of a representation column 10 line 5.),

transmitting an instruction corresponding to said identified data record to at least one application executable on said mobile communication device (data is returned such as a directory listing for a contact, figure 5 and column 11 line 49- 67).

Fortier does not specifically teach that the communication device is mobile, or the application is one of a plurality of applications.

In the same field of automatic voice recognition on a communication device, Gerson teaches using speech recognition on a mobile device (figure 1, subscriber unit 103), and using a plurality of applications (column 10 line 1-5 discusses multiple applications that use speech recognition.).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use the method of speech recognition of Fortier on a mobile device with multiple applications as taught by Gerson in order to allow the user to select from multiple results and thereby assuring accurate operation of the mobile device.

7. Consider claim 2, Gerson teaches the data records of said first set of data records each comprise at least one instruction dedicated to a dialing application for dialing a telephone number comprised in said instruction, wherein said first set of data records represents a selection of telephone directory entries (see Col 13, lines 5-20, where Gerson discusses establishing a telephone call), wherein data records of said second set or data records each comprise at least one instruction dedicated to a control function of at least one application executed on said mobile communication device in accordance with said instruction, wherein said second set of data records

represents a selection of device functions, or device application functions, or both (see Col. 13, lines 10-15, where Gerson discusses a control signal).

8. Consider claim 3, Fortier teaches at least one designation is assigned to each of the data records, said designation being displayable (figure 2 shows different designations for each representation displayed.).

9. Consider claim 4, Fortier teaches displaying an indication to said user that an alternative manual user input is operable when receiving said initial user input (figure 2, item 42, prompt for selection of representation.).

10. Consider claim 5, Fortier teaches the list of said first set of data records is arranged in a pre-determined sequence (figure 2, suggested names are shown in an order, and this must inherently be pre-determined) and wherein said displaying of said list of said first set of data records comprises:

displaying at least one data record of said list of said first set of data records (figure 2, shows different names);

receiving a browsing input capable to exhibit a first browsing value and a second browsing value (soft key selection of a representation column 10 line 5.);

in case said browsing input corresponds to said first browsing value, displaying at least one data record in said pre-determined sequence subsequent to said at least one

displayed data record (figure 2 shows selected name 46 with another name below it); and

in case said browsing input corresponds to said second browsing value, displaying at least one data record in said pre-determined sequence preceding said at least one displayed data record (figure 2 shows selected name 46 with another name over it).

11. Consider claim 6, Fortier teaches the list of said second set of data records is arranged in a pre-determined sequence (figure 2, suggested names are shown in an order, and this must inherently be pre-determined. Second data set would be next “N" results discussed in rejection of claim 1.) and wherein said displaying of said list of said first set of data records comprises:

displaying at least one data record of said list of said first set of data records (figure 2, shows different names);

receiving a browsing input capable to exhibit a first browsing value and a second browsing value (soft key selection of a representation column 10 line 5.);

in case said browsing input corresponds to said first browsing value, displaying at least one data record in said pre-determined sequence subsequent to said at least one displayed data record (figure 2 shows selected name 46 with another name below it); and

in case said browsing input corresponds to said second browsing value, displaying at least one data record in said pre-determined sequence preceding said at

least one displayed data record (figure 2 shows selected name 46 with another name over it).

12. Consider claim 9, Fortier and Gerson teaches a computer readable medium having computer-executable instructions stored thereon (Figure 3, Fortier shows a computerized system that would inherently require a computer readable medium having computer-executable instructions stored thereon) for performing the method of claim 1.)

13. Consider claim 10, Fortier teaches a communication device comprising:

pre-stored voice tags that are employable for speech recognition to enable selection of said-data records by speech input and recognition based on said voice tags (recognizer returns representations; column 2 line 16. These are analogous to tags as they are matched to the user utterance and returned. Column 8 lines 54-66, recognition uses a table of "predefined values.");

a speech recognition component for recognizing acoustic input via a microphone resulting in a selection of one of said data records in accordance with said acoustic input (column 2, line 12, step a), capturing word from speaker, and step b) receiving from speech recognition at least one representation of word);

a first actuator for activating said speech recognition component (column 8 line 15-53, user selects database for searching, for example selecting a language using softkeys.);

a second actuator comprising a multiple switching component capable of generating a first input signal and a second input signal (soft key selected; column 9, line 58.), said second actuator operable with said speech recognition component for displaying a list of said first set of data records or said second set of said data records on a display of said mobile communication device in accordance with said first input signal and said second input signal (soft key used to display next “N" representations. First “N” would be the first set of data, next “N" in second data set; Column 9 lines 45-65); and

a third actuator for selecting one data record of said list displayed on said display and for transmitting an instruction corresponding to said selected data record to at least one application for execution in accordance with said instruction (soft key selection of a representation column 10 line 5. data is returned such as a directory listing for a contact, figure 5 and column 11 line 49- 67).

Fortier does not specifically teach that the communication device is mobile or the said data records comprise a first set of data records and a second set of data records, wherein said first set of data records and said second set of data records relate to different applications executable on said mobile communication device.

In the same field of automatic voice recognition on a communication device, Gerson teaches using speech recognition on a mobile device (figure 1, subscriber unit 103), and using a plurality of applications (column 10 line 1-5 discusses multiple applications that use speech recognition.), and said data records comprise a first set of data records and a second set of data records, wherein said first set of data records and

said second set of data records relate to different applications executable on said mobile communication device (see Col 13, lines 5-20, where Gerson discusses establishing a telephone call. see Col. 13, lines 10-15, where Gerson discusses a control signal).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use the method of speech recognition of Fortier on a mobile device with multiple applications as taught by Gerson in order to allow the user to select from multiple results and thereby assuring accurate operation of the mobile device.

14. Claim 11 contains similar limitations to claim 2, and is accordingly rejected for similar reasons.

15. Claim 12 contains similar limitations to claim 3, and is accordingly rejected for similar reasons.

16. Claim 13 contains similar limitations to claim 4, and is accordingly rejected for similar reasons.

17. Claim 14 contains similar limitations to claim 5, and is accordingly rejected for similar reasons.

18. Claim 15 contains similar limitations to claim 6, and is accordingly rejected for similar reasons.

19. Consider claim 16, Fortier teaches said second actuator is able to generate at least two different signals upon input of a user (soft keys are used, see rejection of claim 10. Soft keys can represent many different functions).

20. Consider claim 17, Fortier teaches a communication device, comprising:

a memory having a speech recognition program stored thereon for execution in said mobile communication device (Figure 3, Fortier shows a computerized system that would inherently require a computer readable medium having computer-executable instructions stored thereon) for performing the method of claim 1);

a signal processor coupled to said memory (inherent for operation), responsive to an initial user input, for causing said mobile communication device to be prepared for receiving an acoustic input of the user (column 8 line 15-53, user selects database for searching, for example selecting a language);

said signal processor, responsive to said acoustic input of the user for performing speech recognition thereon (column 2, line 12, step a), capturing word from speaker, and step b) receiving from speech recognition at least one representation of word);

said signal processor for performing a back-up operation to enable said user to provide manual input in case of failure of said speech recognition of said acoustic input

(column 9 line 37- column 10 line 24 teaches algorithm when more than one result is returned by recognition) as follows:

upon receiving a first manual user input by a multiple switching component, which is capable to exhibit a first input value and a second input value (soft key selected; column 9, line 58.),

displaying a list of a first set of data records or displaying a second set of data records in accordance with said first input value and said second input value of said first manual user input (soft key used to display next “N" representations. First “N” would be the first set of data, next “N" in second data set; Column 9 lines 45-65); and

upon receiving a second manual user input identifying one data record of said displayed first set of data records or of said second set of data records (soft key selection of a representation column 10 line 5.),

transmitting an instruction corresponding to said identified data record to at least one application executable on said mobile communication device (data is returned such as a directory listing for a contact, figure 5 and column 11 line 49- 67).

Fortier does not specifically teach that the communication device is mobile, or the application is one of a plurality of applications.

In the same field of automatic voice recognition on a communication device, Gerson teaches using speech recognition on a mobile device (figure 1, subscriber unit 103), and using a plurality of applications (column 10 line 1-5 discusses multiple applications that use speech recognition.).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use the method of speech recognition of Fortier on a mobile device with multiple applications as taught by Gerson in order to allow the user to select from multiple results and thereby assuring accurate operation of the mobile device.

21. Claim 18 contains similar limitations to claim 2, and is accordingly rejected for similar reasons.

22. Claim 19 contains similar limitations to claim 5, and is accordingly rejected for similar reasons.

23. Claim 20 contains similar limitations to claim 6, and is accordingly rejected for similar reasons.

Conclusion

24. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOUGLAS C. GODBOLD whose telephone number is (571)270-1451. The examiner can normally be reached on Monday-Thursday 7:00am-4:30pm Friday 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DCG
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